

09/400,151
Notice of Allowability

Application No.

09/400,151

Examiner

Lun-See Lao

Applicant(s)

SHENNIB, ADNAN

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08-04-2004.
2. ☒ The allowed claim(s) is/are 1,3-14,16-28,30-41,48-50,53,56-58,61,63,67,70,71,74,75,81,82,84-90,94-102 and 106-108.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 10-10-2002.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DUC NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Introduction

1. This action responds to the amendment filed on 08-04-2004. Claims 1-109 are pending. Claims 1, 3, 37, 70, 84 and 98 have been amended and claims 2, 15, 29, 42-47, 51-52, 54-55, 59-60, 62, 64-65, 68-69, 72-73, 76-80, 83, 91-93, 103-105, 109 have been canceled.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Attorney Joel M. Harris, on April 28 2005.

4. The application has been amended as follows:

Claim 37 (currently amended) A hand held device for performing sound field hearing evaluation in a contactless manner with respect to a test ear of a test subject, said device comprising:

a housing configured to be held in the hand of a user and direct sound and a position sensing signal at a user's head or a head of another test subject;

an audio transducer for delivering acoustic test stimuli to said test subject holding said device within a direct sound field range of said audio transducer, the transducer disposed on or within the housing;

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means for selecting delivery of said acoustic test stimuli through said audio transducer at two or more intensity levels for performing one or more supra-threshold hearing measurements, and

means for selecting delivery of said acoustic test stimuli through said audio transducer in at least two frequency ranges for performing hearing evaluation in at least two frequency ranges ; and

a wireless position sensor system for remotely measuring the distance of said device relative to the head or portion of the head of the test subject,

means for adjusting characteristics of said acoustic test stimuli in responsive to the position sensor system , the adjustment means configured to produce a substantially constant acoustical perception at the subject's ear irrespective of device position or test mode.

Allowable Subject Matter

5. Claims 1,3-14,16-28, 30-41, 48-50, 53, 56-58, 61, 63, 67, 70,71, 74, 75, 81, 82, 84-90, 94-102 and 106-108 are allowed.

Conclusion

6 Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

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(703) 872-9306

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street


Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (571) 272-7499.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See
Patent Examiner
US Patent and Trademark Office
Crystal Park 2
571-272-7501


DUC NGUYEN
PRIMARY EXAMINER